

**IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH**

Date of decision:01.10.2024

1. CWP-16848-2005
Wazir Singh and others vs State of Haryana and another
2. CWP-18391-2005
Anil Kumar and others vs State of Haryana and another
3. CWP-16888-2005
Naranjan Singh and others vs State of Haryana and another
4. CWP-16849-2005
Tek Singh and others vs State of Haryana and another
5. CWP-17795-2005
Balkar Singh and others vs State of Haryana and another
6. CWP-18154-2005
Rajinder Singh and others vs State of Haryana and another
7. CWP-19151-2005
Narinder and others vs State of Haryana and others

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present : Mr. Samrat Malik, Advocate
for the petitioners in CWP-16848, 16888 and 16849-2005.

Mr. Ashwani Verma, Advocate
for the petitioners in CWP-17795-2005.

None for the petitioners in
CWP-18391, 18154 and 19151-2005.

Mr. Tapan Kumar, DAG, Haryana.

AMAN CHAUDHARY, J.

1. These cases involve similar issues, therefore are being disposed of together by way of a common judgment and for the sake of brevity, facts are being extracted from CWP-16848-2005.
2. The petitioners are aggrieved by the Notification dated 06.09.2005, reducing the honorarium payable to them.

3. The petitioners are stated to have joined the posts of Gram Vikas Sahayak in December, 2004, which admittedly, were abolished on 07.01.2006 and filed the present petition on 02.10.2005, claiming the honorarium earlier being paid per month, regarding which it would be apposite to refer to Section 14 of Haryana Panchayati Raj Act, 1994 as substituted by Haryana Amendment Act No.14 of 2003 and Rule 11(c) inserted vide Notification dated 08.07.2003, which read thus:

“14. Appointment of Gram Vikas Sahayak 0 (1)

For each Gram Panchayat there will be an office of Gram Vikas Sahayak which will be filled up on such terms and conditions and in such manner as may be prescribed. Gram Vikas Sahayak shall assist the Gram Panchayat in maintaining record of the Gram Panchayat and perform such other duties as may be assigned by the Gram Panchayat or prescribed by the Govt. He will also act as a link between the Gram Panchayat and the Government and will assist in effecting recoveries of dues relating to Government or State enterprises on commission basis which shall be determine by the Government from time to time. He will be paid such honorarium by the Gram Panchayat as may be prescribed.

(2) Gram Vikas Sahayak shall not be an employee of the Government and consequently he shall have no claim for regular pay scale or benefit of service conditions as applicable in case of Government servant or for any type of post re-trial benefits

11-C. Duties and function of Gram Vikas Sahayak (1)
Gram Vikas Sahayak shall maintain liaison between the Government, the Gram Panchayat and the inhabitants of the Sabha area.

(2) He will assist the Government in effecting recoveries of dues relating to electricity bills or any other dues and disbursement of old age, handicap and widow pension etc. on commission basis to be determined by the Government.

(3) He will be paid an honorarium of Rs. 3000/- per month or at such rates as may be determined by the Government from time to time by the Gram Panchayat concerned”

4. Indubitably, the grant and withdrawal of the honorarium fell under the purview of the State. The monthly amount thereof, being Rs.3000/-, was not expressly or impliedly assured to be paid at the same rate for all times

to come, rather, a covenant in Rule 11(c) *ibid* for it to be determined from time to time.

5. The issuance of impugned notification was on account of the frail financial position of the Panchayats, which shows exercise of prudence and cannot be termed to be malafide or violative of the statutory provisions. The public funds derived from taxpayer involved therein, meant for the benefit of all citizens, are required to be judiciously utilized. The Court does not have necessary competence and expertise to adjudicate upon such economic issues. Be that as it may, the assignment of the petitioners was primarily based on commission that they would earn depending upon the recoveries they get effected of the government dues, while the honorarium was merely a way of giving recognition.

6. Hon'ble Supreme Court in the case of **Directorate of Film Festivals vs. Gaurav Ashwin Jain**¹, observed that the scope of judicial review of governmental policy is now well defined. Courts do not and cannot act as Appellate Authorities examining the correctness, suitability and appropriateness of a policy, nor are courts advisors to the executive on matters of policy which the executive is entitled to formulate.

7. The judgment relied upon in the case of **Bhim Singh and another vs. State of Haryana**² being distinguishable on facts does not advance the claim of the petitioners.

8. The decision taken to reduce the honorarium, has neither been shown to be irrational nor arbitrary, warranting any interference. Thus the present petitions being sans merit, are hereby dismissed.

¹ (2007) 4 SCC 737

² (1981) 2 SCC 673

9. A photocopy of this order be placed on the files of other connected cases.

(AMAN CHAUDHARY)
JUDGE

01.10.2024
Hemant

Whether speaking/reasoned	:	Yes / No
Whether reportable	:	Yes / No